

DURABLE MEDICAL EQUIPMENT **FREQUENTLY ASKED QUESTIONS**

What is durable medical equipment?

Durable Medical Equipment (DME) means technologically sophisticated medical devices that may be used in a residence, including the following: (1) Oxygen and oxygen delivery systems; (2) ventilators; (3) respiratory disease management devices; (4) continuous positive airway pressure (CPAP) devices; (5) electronic and computerized wheelchairs and seating systems; (6) apnea monitors; (7) transcutaneous electrical nerve stimulator (TENS) units; (8) low air loss cutaneous pressure management devices; (9) sequential compression devices; (10) feeding pumps; (11) home phototherapy devices; (12) infusion delivery devices; (13) distribution of medical gases to end users for human consumption; (14) hospital beds; (15) nebulizers; (16) other similar equipment determined by the board in the rules and regulations adopted by the board.

Do I need to be registered as a durable medical equipment provider if I provide these products to the end user?

Yes. If you are selling or leasing to the end user you must be registered with the Board of Pharmacy. Typically, if you bill an insurance company, Medicare, or Medicaid for any of these products they will require that you be registered with the Board of Pharmacy in order to receive any reimbursement.

I only sell to hospitals or nursing homes. Do I need to be registered?

Generally, no. DME providers only sell or lease to the end user. If you are distributing DME to a hospital, nursing home or another drug distributor you would need to be registered as either a prescription drug wholesaler or a non-prescription drug wholesaler depending on what products you are delivering. If you are selling or leasing DME to a nursing home for a specific patient then you would need to be registered as a DME provider.

If I am a pharmacy that sells or leases DME do I need to register as a DME provider?

No. A pharmacy can sell durable medical equipment under their pharmacy registration.

If I own a pharmacy can I open a separate location for DME and sell it under my pharmacy registration.

No. If the DME location is separate from the pharmacy then you would need two separate registrations. You would need one for DME and one for the pharmacy.

What if I am refurbishing DME products such as hospital beds for sale as a charitable project? Would I need to be registered with the Board of Pharmacy?

No. Any charitable entity that is exempt from taxation pursuant to the Internal Revenue Code of 1986, as amended, are exempt from registering with the Board of Pharmacy.

What if I sell a hospital bed at a garage sale? Would I need to be registered with the Board of Pharmacy?

No, sales not made in the regular course of the person's business do not require registration with the Board of Pharmacy.

What is the fee for DME registration and renewals?

The fee is \$300 a year.

What is required for registration?

You must fill out an application and pay the fee. The application is on the Board web site under "Applications and Forms" and is titled "Durable Medical Equipment" Registration. Before a registration is issued the Board of Pharmacy inspector will contact you and make arrangements to do a pre-inspection. The location must be a physical business location with proper signage. The registration may take up to two weeks before it can be issued.

What type of things do the inspectors look for during a pre-inspection?

The inspectors will look at the cleanliness, maintenance, and security of the location. They will check for ventilation and temperature control dependant on what products are being sold or leased. They will look to make sure that the records are maintained at the location that is selling or leasing the DME. They may look at the policy and procedure manual regarding handling recalls and will look at the business quarantine area. They will look for out dated product that can never be offered for sale or lease. They will look at whom the business is purchasing their DME or oxygen from. If the business provides oxygen they must purchase it from a Board of Pharmacy and FDA registered business. If the DME business is transfilling oxygen they must have a FDA registration.

What if I close my business or move to a new location?

If you close your business you would need to return your registration certificate to the Board of Pharmacy upon closure. If you move to a new location you would need to re-apply for a registration so that the inspector could do a pre-inspection of the new location.

What can I do to keep up with current Board of Pharmacy laws and regulations?

The Board web site at www.kansas.gov/pharmacy maintains proposed regulations and updated laws. You can also sign up for a quarterly board newsletter on the board web site.